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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

REGINALD COLEMAN, an individual;
DARNELL COLEMAN, an individual;
BAYRON MARSHALL, an individual;
JAYLIN MARSHALL, an individual; BARY
MARSHALL, an individual; KAVON
MARSHALL, an individual; THOMAS
JONES, an individual; ALBERTO AVALOS,
JR., an individual; RODERICK ANDREWS,
an individual; BRANDON GARNETT, an
individual; WESLEY LEDBETTER, an
individual; ERICA COSEY, an individual; and
RAFAEL BROWN, an individual,

Plaintiffs,

v.

CARDINAL PAINT AND POWDER, INC., a
domestic corporation; and DOES I through X;
and ROE CORPORATIONS I through X,
inclusive,

Defendants.

Case No.: 2:23-cv-00035-CDS-NJK

ORDER
TO FILE AMENDED COMPLAINT

Pursuant to FRCP 15(a)(2), LR 7-1, and LR IA 6-2, Plaintiffs Reginald Coleman, Darnell Coleman, Bayron Marshall, Jaylin Marshall, Bary Marshall, Kavon Marshall, Thomas Jones, Alberto Avalos, Jr., Roderick Andrews, Brandon Garnett, Wesley Ledbetter, Erica Cosey, and Rafael Brown (“Plaintiffs”), by and through their counsel of record, the law firms of MAIER GUTIERREZ & ASSOCIATES and ACKERMANN & TILAJEF, P.C., and Defendant Cardinal Paint and Powder, Inc. (“Defendant”), hereby submit this stipulation permitting Plaintiffs to file a First Amended Complaint (“FAC”) and setting Defendant’s time to respond to the FAC.

WHEREAS:

1. Plaintiffs filed their Complaint [ECF No. 1] on January 6, 2023.
2. Pursuant to the contemporaneously-filed Stipulation and Order to Submit Matter to Binding Arbitration, 12 of the 13 individual plaintiffs have agreed to pursue their claims in arbitration because they signed arbitration agreements. As such, the Parties agree that there is good cause to amend the Complaint, in order to streamline the litigation and remove plaintiffs whose claims will be heard in arbitration rather than in Court.
3. The remaining plaintiff, Alberto Avalos, Jr., also seeks to amend his Complaint to incorporate additional factual allegations that have been uncovered in the discovery process.
4. The Parties wish to make efficient use of the Court’s judicial resources and foster judicial economy by way of the submission of a First Amended Complaint.
5. The Parties stipulate and agree as follows:
 - a. Plaintiffs shall file a First Amended Complaint within five (5) days of the Court approving and filing the order granting the instant stipulation. The First Amended Complaint shall list only plaintiff Alberto Avalos, Jr. as the plaintiff party.
 - b. Defendant shall have up to and including twenty-one (21) days to respond to the First Amended Complaint once it has been filed.

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6. This stipulation is submitted in good faith and not for purposes of delay. Nothing in this stipulation, nor the fact of entering to the same, shall be construed as waiving any claim and/or defense held by any Party.

DATED this 22nd day of June, 2023

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MAIER GUTIERREZ & ASSOCIATES

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/s/ Danielle J. Barraza

/s/ Holly E. Walker

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ORDER

IT IS SO ORDERED:


UNITED STATES MAGISTRATE JUDGE

Dated: June 23, 2023